

### **IC 3-11-5**

#### **Chapter 5. Approval of Voting Machines**

### **IC 3-11-5-1**

#### **Necessity of approval**

Sec. 1. The commission must approve any form of voting machine before it may be used at an election.

*As added by P.L.5-1986, SEC.7. Amended by P.L.2-1996, SEC.153.*

### **IC 3-11-5-2**

#### **Request to examine machine; report**

Sec. 2. A person owning or interested in a voting machine may file a request with the election division asking the election division (or a competent person designated by the commission to act on behalf of the election division) to examine the machine and report to the commission on the voting machine's accuracy, efficiency, and capacity.

*As added by P.L.5-1986, SEC.7. Amended by P.L.2-1996, SEC.154; P.L.3-1997, SEC.282.*

### **IC 3-11-5-3**

#### **Examination of voting machine**

Sec. 3. The election division or the designated person shall examine a voting machine and report to the commission whether the kind of machine examined:

- (1) complies with the requirements of this chapter; and
- (2) can be safely used by voters at an election under the conditions prescribed by this article.

*As added by P.L.5-1986, SEC.7. Amended by P.L.3-1993, SEC.129; P.L.2-1996, SEC.155; P.L.3-1997, SEC.283.*

### **IC 3-11-5-4**

#### **Approval; finding of compliance with chapter**

Sec. 4. If the commission finds that a voting machine complies with this chapter and can be safely used by voters, the commission shall approve the machine. Machines of its kind then may be adopted for use at an election.

*As added by P.L.5-1986, SEC.7. Amended by P.L.2-1996, SEC.156.*

### **IC 3-11-5-5**

#### **Reexamination or reapproval not required if improvement of machine or change does not impair accuracy, efficiency, or capacity**

Sec. 5. After the commission has approved a voting machine, if the election division or the designated person certifies to the commission that an improvement or change does not impair the voting machine's accuracy, efficiency, or capacity, this chapter does not require a reexamination or reapproval of the machine.

*As added by P.L.5-1986, SEC.7. Amended by P.L.2-1996, SEC.157; P.L.3-1997, SEC.284.*

### **IC 3-11-5-6 Repealed**

*(Repealed by P.L.3-1997, SEC.475.)*

### **IC 3-11-5-7**

#### **Necessity of meeting specifications**

Sec. 7. The commission may not approve a voting machine unless the machine meets the specifications in sections 8 through 20 of this chapter.

*As added by P.L.5-1986, SEC.7. Amended by P.L.2-1996, SEC.159.*

### **IC 3-11-5-8**

#### **Specifications; insuring secrecy**

Sec. 8. A voting machine must insure secrecy to a voter in the act of voting.

*As added by P.L.5-1986, SEC.7.*

### **IC 3-11-5-9**

#### **Specifications; facilities permitting votes to be cast for candidates or public question**

Sec. 9. A voting machine must provide facilities that will permit votes to be cast for any candidate at any election and for or against any public question.

*As added by P.L.5-1986, SEC.7.*

### **IC 3-11-5-10**

#### **Specifications; voting capabilities; paper ballots for write-in voters**

Sec. 10. (a) A voting machine must permit a voter to vote:

(1) except at a primary election, for:

(A) all the candidates of one (1) political party;

(B) one (1) or more candidates of each political party;

(C) one (1) or more candidates nominated by petition under IC 3-8-6; or

(D) a write-in candidate, unless the procedures in subsection (b) are followed;

(2) for as many candidates for an office as the voter may vote for, but no more;

(3) for or against a public question on which the voter may vote, but no other; and

(4) for all the candidates for presidential electors of a political party or an independent ticket at one (1) time.

(b) Except as provided in subsection (c), in a precinct using voting machines that do not permit write-in votes, the precinct election board shall provide a paper ballot to a voter who requests to cast a write-in vote. After such a request, a poll clerk, an assistant poll clerk, or a member of the precinct election board shall:

(1) require the voter to sign the poll list; and

(2) inform the voter of the procedure that must be followed to cast a write-in vote.

(c) Paper ballots for write-in voting for an office are not required if there are no declared write-in candidates for that office. However,

procedures must be implemented to permit write-in voting for candidates for federal offices.

*As added by P.L.5-1986, SEC.7. Amended by P.L.11-1987, SEC.5; P.L.4-1991, SEC.73; P.L.3-1993, SEC.130; P.L.14-2004, SEC.106.*

#### **IC 3-11-5-11**

##### **Specifications; preventing voting for candidate or public question more than once**

Sec. 11. A voting machine must prevent a voter from voting for the same candidate, or for or against the same public question, more than once.

*As added by P.L.5-1986, SEC.7.*

#### **IC 3-11-5-12**

##### **Specifications; adjustable for use in primary election**

Sec. 12. A voting machine must be adjustable for use in a primary election so that a voter may not vote for a candidate except those seeking nomination as candidates of the voter's political party.

*As added by P.L.5-1986, SEC.7.*

#### **IC 3-11-5-13**

##### **Specifications; register and count votes cast for candidate and public question**

Sec. 13. A voting machine must correctly register and accurately count all votes cast for each candidate, and for or against each public question.

*As added by P.L.5-1986, SEC.7.*

#### **IC 3-11-5-14**

##### **Specifications; designed to determine if machine unlocked and operated after being locked**

Sec. 14. A voting machine must be designed so that it can be determined whether the machine has been unlocked and operated after once being locked.

*As added by P.L.5-1986, SEC.7.*

#### **IC 3-11-5-15**

##### **Specifications; public counter**

Sec. 15. A voting machine must show at all times during an election how many voters have voted by a device referred to as a public counter.

*As added by P.L.5-1986, SEC.7.*

#### **IC 3-11-5-16**

##### **Specifications; counter indicating number of votes cast for candidate or public question; special key**

Sec. 16. A voting machine must have a counter indicating the number of votes cast for each candidate and for or against each public question that can not be seen or tampered with without unlocking a covering device that can not be unlocked by a key that

unlocks any other part of the machine. When the counters are exposed the machine must be designed so that it can no longer be placed into condition for operation without the use of a special key, which must not be in the possession of the election officers at the polls. If this specification has the effect of eliminating from consideration any other make of machine, this section does not apply.  
*As added by P.L.5-1986, SEC.7.*

#### **IC 3-11-5-17**

##### **Specifications; operating device and mechanism; locking before opening of poll and after closing**

Sec. 17. A voting machine must have an operating device and operating mechanism that may be locked before the time for opening the polls and after the time for closing the polls.  
*As added by P.L.5-1986, SEC.7.*

#### **IC 3-11-5-18**

##### **Specifications; mechanical model for instruction of voters**

Sec. 18. A voting machine must be accompanied by a mechanical model illustrating the manner of voting on the machine, suitable for the instruction of voters.  
*As added by P.L.5-1986, SEC.7.*

#### **IC 3-11-5-19**

##### **Specifications; identification number**

Sec. 19. A voting machine must bear a number that will distinguish it from any other machine.  
*As added by P.L.5-1986, SEC.7.*

#### **IC 3-11-5-20**

##### **Specifications; transparent protective devices to place ballot labels and names**

Sec. 20. A voting machine must have the frames in which ballot labels are placed constructed with transparent protective devices, in order that the names can not be mutilated or altered.  
*As added by P.L.5-1986, SEC.7.*

#### **IC 3-11-5-21**

##### **Approval of new or improved voting machines**

Sec. 21. Section 7 of this chapter does not prevent the approval of a new or improved type of voting machine that renders unnecessary or obsolete one (1) or more of the specifications in sections 8 through 20 of this chapter.  
*As added by P.L.5-1986, SEC.7.*

#### **IC 3-11-5-22**

##### **Adoption and purchase or procuring of voting machine; determinations**

Sec. 22. A county executive may adopt and purchase or procure a voting machine only after determining that the machine:

- (1) complies with this chapter;
- (2) is thoroughly reliable and correct in its operation;
- (3) is readily understood and operated;
- (4) cannot be fraudulently manipulated; and
- (5) will unquestionably maintain the secrecy of the ballot.

*As added by P.L.5-1986, SEC.7.*

#### **IC 3-11-5-23**

##### **Requirement of written guarantee to keep machine in working order**

Sec. 23. A county executive also may not purchase or procure a voting machine unless the person selling the machine has guaranteed, in writing, to keep the machine in working order at least five (5) years.

*As added by P.L.5-1986, SEC.7. Amended by P.L.3-1987, SEC.231; P.L.7-1990, SEC.46.*

#### **IC 3-11-5-24**

##### **Determination of precincts in which machines will be used where it is impossible to supply each precinct**

Sec. 24. If it is impossible to supply each precinct with a voting machine at an election following the adoption of the machines in a county, as many machines shall be supplied as it is possible to procure. The county election board shall determine the precincts of the county in which the machines will be used.

*As added by P.L.5-1986, SEC.7.*

#### **IC 3-11-5-25**

##### **Care and custody of machines**

Sec. 25. The circuit court clerk is responsible for the care and custody of all voting machines while not in use.

*As added by P.L.5-1986, SEC.7.*

#### **IC 3-11-5-26**

##### **Experimental use of voting machine at election**

Sec. 26. The county election board may provide for the experimental use of a voting machine at an election in one (1) or more precincts in the county. The machine may be used without a formal adoption or purchase but must be approved by the commission. The experimental use of a machine at an election is valid for all purposes as if formally adopted.

*As added by P.L.5-1986, SEC.7. Amended by P.L.2-1996, SEC.160.*